

ORDINANCE 785-01-2021

AN ORDINANCE AMENDING ORDINANCE 778-11-20 GOVERNING COUNCIL
RULES, ESTABLISHING MEANS OF NOTICE OF PUBLIC MEETINGS AND
DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Roaming Shores, Ohio:

SECTION 1. Chapter 111 is hereby amended to read as follows:

111.01 RULES, REGULATIONS AND PROCEDURES.

Whereas statutory laws provide for and grant authority for such Council Rules under Ohio R.C. 731.45, therefore be it ordained that the following rules shall be established for the Council of the Village of Roaming Shores.

- (a) President. The Mayor shall be President of Council and shall preside at all regular and special meetings thereof but shall have no vote except in case of a tie.
(ORC 733.24)
- (b) President Pro Tem. At the first regular meeting in January of each year, Council shall immediately proceed to elect a President Pro Tem from its own number, who shall serve until the first meeting in January next after his election. When the Mayor is absent from the Village or is unable, for any cause to perform his duties, the President Pro Tem shall be the Acting Mayor, and shall have the same powers and perform the same duties as the Mayor.
(ORC 731.10)
In the absence of both the President and President Pro Tem, the Council shall appoint a temporary chairman.
- (c) Succession. In the case of death, resignation or removal of the Mayor, the President Pro Tem shall become Mayor and serve for the unexpired term. When the President Pro Tem becomes Mayor, the vacancy thus created shall be filled by election of another President Pro Tem.
(ORC 733.25 - 731.11 - 731.43)
- (d) Vacancies. When the office of a member of Council becomes vacant, the vacancy shall be filled by election by Council for the unexpired term. If Council fails within thirty days to fill such vacancy, the Mayor shall fill it by appointment.
(ORC 731.43)
- (e) Standing, Special Committees. At the first regular meeting of Council after its organization, or at such later time as established by Council, Council shall appoint standing committees each consisting of two members of Council for the following named programs:
 - (1) Finance.
 - (2) Personnel.
 - (3) Safety.
 - (4) Civic/Community Development.
 - (5) Personnel.

Each committee shall elect a chairman at the first meeting of the committee.

Temporary special committees may be appointed by Council to undertake some special task. Council may at any time remove any member(s) of any committee and appoint a new member(s) of such committee to serve in place of such member so removed.

(f) Committee Responsibilities.

(1) Committee(s) shall:

- A. Follow Council direction in matters referred to it.
- B. Normally be expected to investigate or study a given problem or need, taking no decision action itself but to submit a report and recommendations.
- C. Within its area of responsibility assume both short and long range study of plans and needs, work to establish desirable economic, budgetary and work standards, and to train others, and inspect for accomplishment.
- D. Issue no orders in conflict with the executive officers of the Village, or the law; thereby acting in an advisory capacity, reporting to Council for action.

(2) A special committee shall be given direction by Council when appointed and will be discharged on receipt of its report.

(g) Meetings. As prescribed by ordinance, a work session shall be held in the location agreed to by Council at 7:00 pm EST or EDT as applicable, and a regular council meeting shall be held the 3rd Tuesday of each month.

When any regular meeting of Council falls on a legal holiday, or on election day, Council shall meet in regular session on the day following at the stated place and hour or as arranged at the regular meeting preceding the meeting in question.

Special meetings may be called by the President (mayor) or any three members of Council, providing at least forty-eight hours notice to each member, served personally or left at their usual place of residence. Any member may waive, in writing, notice of any special meeting. At the first regular meeting in January of each year, and at such other times as the Mayor deems expedient, he shall report to Council concerning the affairs of the Village and recommend such measures as seem proper to him. All meetings shall be held in conformity with Ohio R.C. 121.22. Those persons requesting advance notice shall receive an agenda of all meetings as requested, both regular and special, by mailing a copy thereof in a self-addressed, properly stamped envelope provided by the person requesting such advance notice or by email.

(h) Attendance. Attendance at Council meetings shall ordinarily include the Clerk-Treasurer and such other staff and department heads as may be requested. Meetings of Council are open to the public.

(ORC 731.46)

(i) Record of Proceedings; Meeting Agenda. The Clerk-Treasurer shall keep the only record of the proceedings, and of all the rules, by-laws, resolutions and ordinances passed or adopted, which shall be subject to inspection of all person(s) interested. The Clerk Treasurer shall tape record work session, special meetings and regular council meetings and shall retain such taped records for a period not less than four (4) years. In case of the absence of the Clerk-Treasurer, Council shall appoint one of its members to perform the duties as Clerk-Treasurer of Council.

The Clerk-Treasurer shall prepare an agenda for every meeting, attend to all correspondence incidental to the office, and perform such other duties as may be assigned by a majority vote of Council, or as required by law. The Clerk shall deliver an agenda

and ordinances for the meeting, by personal service or email, to the residence of each member of council at least 72 hours prior to a regular meeting of council, except as waived by a ¾ majority of Council.

The Clerk-Treasurer shall be notified by officers and committee chairmen of matters to be presented, including ordinances and resolutions in order that they may be listed on the meeting agenda.

For all meetings of Council, or its committees, and the Planning Commission, the Clerk Treasurer shall provide public notice for the date, time and location of such meetings in the following media:

- a) The E-Blast of the Roaming Rock Association
- b) The Village website
- c) The Shore news, unless such notice would not be timely due to scheduling

In the event that state law provides for remote access to such meetings, and such meetings provide for remote access, such notice shall specify the means and information necessary to access such meeting and to participate in the meeting as allowed by Village Ordinance and state law.

Any Council member with the approval of two-thirds vote of Council members may add subjects to the agenda at a regularly scheduled Council meeting.

(j) Order of Business.

Prayer/Moment of Silence

Pledge of Allegiance

*Roll Call

Minutes of last meeting

Visitor's Comments (two-minute limit)

Mayor's Report

Standing Committee Reports

Special Committee Reports

Old Business

New Business

Introduction of Resolutions and Ordinances

Miscellaneous Business

Solicitor's Report

Visitor's Comments (two-minute limit)

Adjournment

* Roll call is to determine if a quorum is present. A quorum shall be four members of Council present to conduct business

- (k) At Order and Decorum. The President of Council (Mayor) shall preserve order and decorum, and confine debate to the question or issue on the floor. He or she may in common with any other member call any member to order who shall violate any of the rules, and shall, when in the chair, decide all questions of order, subject to an appeal to Council on the demand of two members. On such appeal, there shall be no debate, but the member

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making the appeal may briefly state their reasons for the same, and the presiding officer shall have the same right to a similar statement.

The President of Council (Mayor) may actively participate in debate before Council.

- (l) Delinquency. Council may punish or expel any member for disorderly conduct or a violation of its rules, and declare their seat vacant for absence without a valid excuse where such absence has continued for two months. No expulsion shall take place without the concurrence of two-thirds of all members elected, and until the delinquent member has been notified of the charge against him and has had an opportunity to be heard.

(ORC 731.45)

- (m) Voting. Every member shall vote by a yea, nay or abstain. Every member has the right to explain his vote and such reason shall be so recorded by the Clerk-Treasurer in the regular minutes. At the end of voting, any abstention shall be counted with the prevailing vote on the ordinance or motion.

- (n) Reference to Committee. Any new business brought before Council may be referred to the proper committee, if such referral is deemed necessary or proper.

If such referral is not needed, and the matter can be disposed of quickly, then such action should be taken at once. When communications are read, they may if necessary, be referred to committee immediately after being read by the Clerk-Treasurer.

If the matter under consideration requires investigation and study or if such nature that long discussion may be provoked, it shall be referred to committee promptly by the presiding officer.

If any matters referred by Council to any committee, or officer, are not reported upon by the next regular scheduled meeting, such matter shall be brought up by the Village Clerk-Treasurer to the attention of Council, which shall take such further action in the premises as it may deem best.

The report of any committees of Council, or a municipal officer, upon matters referred to by Council, shall be made in writing and shall be accompanied by the original papers upon which such report is based, unless otherwise ordered by Council.

Council may accept or reject any committee report in whole or part.

- (o) Introductions. The Mayor or Council members may introduce ordinances and resolutions. Ordinances and resolutions as may be presented to Council upon written recommendation of some committee of Council.

- (p) Legislation Referred to Committee or Solicitor. When ordinances and resolutions are to be prepared, Council shall by majority vote, request their preparation by the Solicitor. If the ordinance or resolution is referred to a committee, the committee will then report on the ordinance or resolution at the next Council meeting. The committee will also furnish a copy of the ordinance or resolution to the Clerk-Treasurer as well as Council for information and review in advance of the next Council meeting.

The Solicitor has the responsibility of preparing legislation in the manner prescribed by law. The committee will only determine whether the subject matter has been fully covered; the Solicitor will be responsible for the fulfillment of legal requirements.

It shall be the duty of the committee to which legislation has been referred to make comparisons with all existing ordinances, reporting thereon, and recommending any changes necessary.

- (q) Voting on Legislation. Ordinances and resolutions shall be voted upon separately, even though the committee report urging approval of such legislation may be adopted

unanimously. The voting of such legislation shall be entered in the minutes as “in favor of” and “opposed to” together with the name of the members of Council voting “in favor of” by words commonly used to express favor such as “yes”, “aye” or “yea” or voting in opposition hereof by words of negation such as “no” or “nay” or abstaining from voting. (ORC 731.17)

- (r) Majority Defined; Three-Fourths Defined. Whenever “majority” is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of those elected to Council, likewise, whenever a two-thirds or three-fourths vote is indicated, it shall mean two-thirds or three-fourths of the members elected to Council. Thus, in a Council of six members, a majority shall be four, and three fourths shall be five.

Council shall pass no ordinance without the concurrence of a majority vote of the members. (ORC 731.30)

Upon passage of the ordinance, it shall be signed by the Clerk-Treasurer and the Mayor.

- (s) Amending Resolution or Ordinance. It shall be in order to amend a resolution or ordinance at any time prior to passage, but if such ordinance or resolution is of a general or permanent nature, it shall be noted as amended upon subsequent readings.
- (t) Limitations on Debate. No member of Council while Council is in session shall engage in debate or discussion with anyone save another member of Council or the President of Council or some person who has either been granted by Council the privilege to address Council or is present at a Council meeting on invitation of Council.

No member shall speak more than once upon any subject, until every member choosing to speak shall have had an opportunity to be heard.

- (u) Acceptable Motions; Order of Precedence. When a question or proposition is before Council, or under debate, no motion shall be received except the following:
- a. To adjourn (non-debatable).
 - b. To lay on the table (non-debatable).
 - c. For the previous question (request that discussion end and the vote be taken) (non-debatable).
 - d. To postpone to a certain day.
 - e. To commit (to refer to standing or special committee).
 - f. To amend the motion.
 - g. To postpone indefinitely.

The several motions shall have precedence in the order in which they are herein arranged.

- (v) Amendments. These rules may be amended or altered or new rules adopted by a vote of the majority of all the members elected at any meeting of Council.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This ordinance is deemed to be an emergency ordinance for the health, safety and welfare of the community for the reason that it establishes guidelines for notices of public meetings and, therefore, shall take effect immediately upon passage.

PASSED this _____ day of _____, 2020

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Jennie D'Amicone, Mayor

ATTEST:

Leeann Moses, Fiscal Officer

Kyle B. Smith, Solicitor

I hereby certify that a summary of the foregoing ordinance was published by the Shore News
on the ____ day of _____ 2020.

Village Clerk